

UNITED STATES DISTRICT COURT  
FOR THE  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

FILED  
U.S. DISTRICT COURT  
INDIANAPOLIS DIVISION  
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SOUTHERN DISTRICT  
OF INDIANA  
LAURA A. BRIGGS  
CLERK

GREGORY PERRY )

Plaintiff, )

Vs. )

PALMER, REIFLER & ASSOCIATES, P.A.)

Defendant. )

CAUSE \_\_\_\_\_

**1:07-cv-0169-JDT-WTL**

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PLAINTIFF'S COMPLAINT FOR DAMAGES

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Comes now the Plaintiff, Gregory Perry, by counsel, James R. Recker, and for his Complaint for Damages against the Defendant PALMER, REIFLER & ASSOCIATES, P.A., and in support of same, states and alleges as follows:

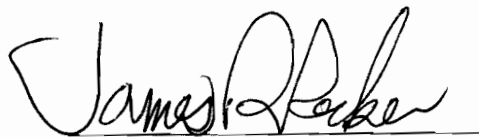
1. This action is authorized and brought pursuant to 15U.S.C.A. 1692, Title VIII of the Consumer Protection Act, known as the Fair Debt Collection Practices Act (FDCPA), to address a violation of Plaintiff's rights thereof;
2. Plaintiff, Gregory Perry, is an adult, United States citizen residing at 9243 Seascape Drive, in the City of Indianapolis, County of Marion, State of Indiana which is located in the Southern District of Indiana.
3. Plaintiff, Gregory Perry, is a debtor within the meaning of that term as contemplated by the Fair Debt Collection Practices Act (FDCPA);

4. Defendant, PALMER, REIFLER & ASSOCIATES, P.A., is a law firm and a third-party debt collector covered by the Fair Debt Collection practices Act. *Heintz v. Jenkins*, 514 U.S. 291 (1995);
5. On or about January 3, 2007, Defendant, PALMER, REIFLER & ASSOCIATES, P.A., sent a first collection letter (communication) to Plaintiff seeking to collect a consumer debt allegedly owed to Kohl's Corporation, owners of discount retail stores. The letter was devoid of the required statutory advisement pursuant to the FDCPA, [Exhibit A];
6. On or about January 30, 2007, Defendant sent a second collection letter (communication) to Plaintiff in an attempt to collect the debt. The letter was devoid of the required statutory advisement pursuant to the FDCPA, [Exhibit B];
7. That the first collection letter of January 3, 2007 sent to Plaintiff by Defendant does not conform with provision of the FDCPA and is violative of 15 USCA 1692(a) for failure to inform the Consumer's of his rights under the Act which the debt collector is required to give;
8. That the subsequent collection letter of January 30, 2007 sent by Defendant to Plaintiff does not conform with provision of the FDCPA and is violative of 15 USCA 1692(a) for failure to inform the Consumer's of his rights under the Act which the debt collector is required to give;
9. That no written communication set by Defendant to Plaintiff was sent within five days of the initial communication which contained the required advisement of debtor's rights pursuant to the FDCPA;

10. That at all relevant times, Plaintiff was represented by counsel in his dispute with Kohl's Corporation in this matter and Defendant PALMER, REIFLER & ASSOCIATES, P.A. direct communication with a debtor who is represented by counsel is a violation of the FDCPA;
11. That the actions of Defendant PALMER, REIFLER & ASSOCIATES, P.A. constitute unfair collection practices;
12. As a result of the unlawful collection practices of the Defendant, PALMER, REIFLER & ASSOCIATES, P.A., Plaintiff's rights under 15 U.S.C.A. 1692, have been violated and Plaintiff has been damaged thereby.

WHEREFORE, Plaintiff prays that damages be awarded to the Plaintiff and against the Defendant, pursuant to the applicable provisions of the Fair Debt Collection Practices Act, for reasonable attorney fees, and for all other relief just and appropriate in the premises.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James R. Recker", written over a horizontal line.

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